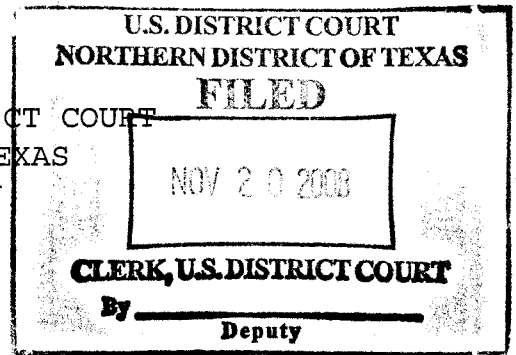


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



LAURA WALKER BERNARD,

Applicant,

VS.

W. ELAINE CHAPMAN, WARDEN,
FMC CARSWELL, ET AL.,

Respondents.

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NO. 4:08-CV-599-A

MEMORANDUM OPINION

and
ORDER

Came before the court for decision the application of Laura Walker Bernard ("Bernard") filed October 6, 2008, seeking writ of habeas corpus pursuant to 28 U.S.C. § 2241.¹ After having considered the application, the response of the named respondents thereto, Bernard's reply, and pertinent legal authorities, the court has concluded that the application should be dismissed as to Federal Bureau of Prisons because it is not properly named as a respondent in this § 2241 proceeding and dismissed in its entirety because of lack of standing and lack of ripeness or, alternatively, for Bernard's failure to exhaust her administrative remedies.

¹Applicant refers to her application as a "petition" and to herself as "petitioner." Consistent with the language of 28 U.S.C. § 2241, the court uses the terms "applicant" or "Bernard" and "application" instead of "petitioner" and "petition."

Bernard's application is identical to the § 2241 application of Annabel Torres that is the subject of a memorandum opinion and order the court signed in Case No. 4:08-CV-587-A on the date of the signing of this memorandum opinion and order, except for the differences in names and conviction and sentencing information inserted in the blank spaces in the printed form. The response of respondents, Elaine Chapman, Warden, FMC-Carswell ("Chapman") and Federal Bureau of Prisons, to the application is virtually identical to their response in Torres, except for differences in the applicant's name and conviction and sentencing information.

The conviction and sentencing information applicable to Bernard is that she is serving a term of imprisonment of 97 months imposed January 9, 2007, for her commission of the offense of felon in possession of a firearm (18 U.S.C. § 922(g)(1)). The declaration of Kit Hoffman accompanying the response to the application states that Bernard's currently projected release date is December 27, 2013.

The memorandum opinion in No. 4:08-CV-587-A describes all of the grounds of Bernard's application and the nature of her requested relief, and describes the reasons given by respondents why the claims against the Federal Bureau of Prisons should be dismissed and why all claims made by Bernard should be dismissed

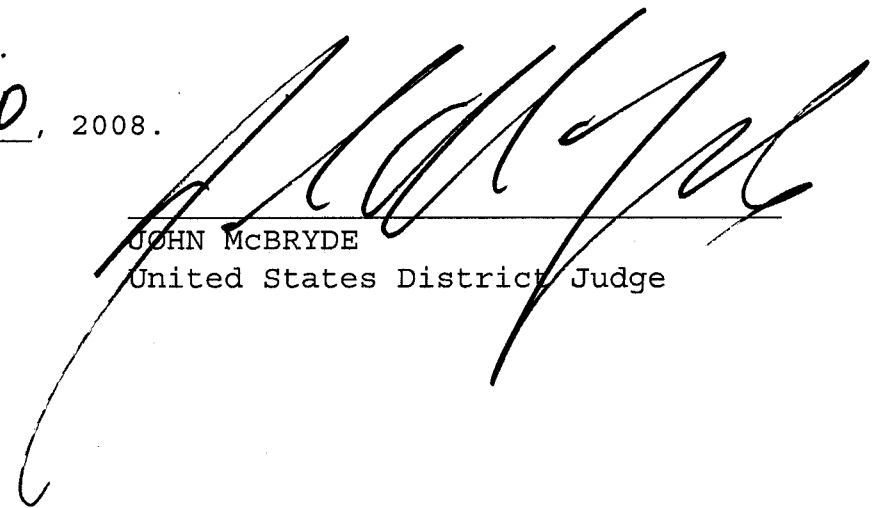
or, alternatively, denied. The court adopts in this memorandum opinion and order by reference all discussion contained on pages 2-11 of the memorandum opinion and order in No. 4:08-CV-587-A, all of which is applicable to Bernard's application except for the conviction and sentencing information and the projected release date.

Just as in Case No. 4:08-CV-587-A,

The court ORDERS that all claims asserted by Bernard against Federal Bureau of Prisons be, and are hereby, dismissed for the reason that Federal Bureau of Prisons is not a proper respondent in this proceeding brought pursuant to 28 U.S.C. § 2241; and

The court further ORDERS that the application Bernard filed October 6, 2008, for writ of habeas corpus pursuant to § 2241 be, and is hereby, dismissed for lack of standing and lack of ripeness or, alternatively, for Bernard's failure to exhaust her administrative remedies.

SIGNED November 20, 2008.



JOHN MCBRYDE
United States District Judge